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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**THE SIERRA CLUB and ENVIRONMENTAL
INTEGRITY PROJECT,**

Plaintiffs,

vs.

**UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,**

Defendant.

Case No. C-11-0846-MEJ

**JOINT CASE MANAGEMENT
REPORT**



1 This is an action brought by Plaintiffs pursuant to the Freedom of Information Act, 5 U.S.C. §
 2 552, to compel production of documents. The information request upon which this suit is based, sought
 3 information submitted to defendant relating to the operations of coal-fired power plants owned by the
 4 Luminant corporation.

5 After the parties completed briefing cross-motions for summary judgment, but before oral argu-
 6 ment on same, on May 20, 2012, the Court vacated the scheduled hearing and ordered the parties to
 7 meet and confer in her chambers on May 30, 2012. Dkt. No. 50. After fruitful discussion in chambers,
 8 the parties agreed to continue with informal settlement discussions in an effort to resolve this matter
 9 without further litigation. Accordingly, the parties engaged in a number of direct and informal settlement
 10 conference calls and have exchanged a settlement proposal. Additionally, the Parties wish to inform the
 11 Court that recent EPA enforcement activities involving Luminant Generation Company may impact EIP
 12 and Sierra Club's interest in the documents at issue in this matter. Unfortunately, the parties have not
 13 yet been able to obtain consensus on how to settle the case. They therefore desire additional time in
 14 which to explore a negotiated resolution to this dispute.

15 Accordingly, the parties propose that they be provided an additional two months in which to at-
 16 tempt to conclude their settlement negotiations and report back to the Court on the status of same no lat-
 17 er than November 21, 2012.

18 Respectfully submitted for the Court's consideration, this 20th day of September, 2012.

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